

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**Bolivar Emilio-Medina,**

**Petitioner,**

**v.**

**United States of America,**

**Case No. 2:17-cv-1066/2:16-cr-17  
Judge Michael H. Watson  
Magistrate Judge Kimberly A. Jolson**

**Respondent.**

**ORDER**

On July 20, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that Petitioner’s motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 be **GRANTED** on his claim that he was denied the effective assistance of counsel due to his attorney’s failure to file an appeal after being directed to do so, and that the final judgment in this case be **VACATED** and **REINSTATED** so that counsel can file a timely appeal on his behalf. ECF No. 436.

Although the parties were explicitly advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed.

The R&R is, therefore, **ADOPTED** and **AFFIRMED**. ECF No. 436.

Petitioner’s § 2255 motion is **GRANTED** on his claim that he was denied the effective assistance of counsel. ECF No. 407. Entry of final judgment is hereby

**VACATED.** ECF No. 354. The Clerk is **DIRECTED** to enter a new judgment so that Petitioner's appointed counsel can file a timely appeal on his behalf.

**IT IS SO ORDERED.**



**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**